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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/245,499	02/05/99	KHANDROS	I 3401.P1D1C1

MM42/0830  
JAMES C SCHELLER JR  
BLAKELY SOKOLOFF TAYLOR & ZAFMAN  
12400 WILSHIRE BOULEVARD  
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EXAMINER

CUNEO, K

ART UNIT

PAPER NUMBER

2831

DATE MAILED: 08/30/99

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

09/245,499

Applicant(s)

Igor Y. Khandros

Examiner

Kamand Cuneo

Group Art Unit

2831



☐ Responsive to communication(s) filed on \_\_\_\_\_.

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 1 (one) month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 39-112 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☐ Claim(s) \_\_\_\_\_ is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☒ Claims 39-112 are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Serial Number: 09/245499  
Art Unit: 2831

## DETAILED ACTION

### *Election of Species*

1. The claims are drawn to patentably distinct species as follows:

1. figures 18, 19 and 21 with the contacts of

- 1a. figure 2
- 1b. figure 3
- 1c. figure 4
- 1d. figure 5
- 1e. figures 6a-6b
- 1f. figures 7a-7c
- 1g. figures 8
- 1h. figures 9
- 1i. figures 10
- 1j. figures 11-12
- 1k. figures 13
- 1l. figures 14
- 1m. figures 15
- 1n. figures 16
- 1o. figures 17

2. figure 20 with the contacts of

- 2a. figure 2
- 2b. figure 3
- 2c. figure 4
- 2d. figure 5
- 2e. figures 6a-6b
- 2f. figures 7a-7c
- 2g. figures 8
- 2h. figures 9
- 2i. figures 10
- 2j. figures 11-12
- 2k. figures 13
- 2l. figures 14
- 2m. figures 15
- 2n. figures 16
- 2o. figures 17

There are no generic claims.

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2. Applicant is required under 35 U.S.C. 121 to elect a single disclosed species, even though this requirement is traversed.

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

3. A telephone call was made to Mr. Scheller on 8/25/99 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

*Closing*

4. Any inquiries concerning this communication or earlier communications from the examiner should be directed to Examiner Kamand Cuneo at (703) 308-1233. Examiner Cuneo's supervisor is Mrs. Kristine Kincaid whose telephone number is (703) 308-0640.

*Kristine Kincaid*  
Kristine Kincaid  
Supervisory Patent Examiner  
Technology Center 2800

*KC*  
kc

August 26, 1999